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EXAMINER	
DOWE, KATHERINE MARIE	

ART UNIT	PAPER NUMBER
3734	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

1. The following is in response to the amendment filed July 23, 2010 after the Final Office Action mailed May 24, 2010.

2. Applicant's arguments have been fully considered but they are not persuasive.

3. Applicant argues the prior art does not teach a catheter including a releasable seal member including a solid cross section. Particularly, Applicant argues modifying Matsumoto in view of Py to have a seal with a solid cross section would render the invention of Matsumoto unsatisfactory for its intended purpose. The examiner respectfully disagrees. When Matsumoto is modified in view of Py, the seal would initially have a solid cross section that is punctured to insert a medical instrument through the seal. A "hole" would be created, as Applicant argues, but this "hole" would merely be the size of the instrument inserted through the seal. Py teaches the "hole", or slit (294), formed along the path of the piercing member (Fig 13b) will close upon itself due to the resiliency of the seal material (Py col 10, ll 26-33), which is analogous to Matsumoto's invention wherein the resiliency of the seal material causes the pre-formed slits to close and maintain a liquid-tight state (Matsumoto col 13, ll 45-51). Py further teaches although a liquid-tight seal may be formed by the resiliency of the seal material, vapors, gases, and/or liquid may be allowed to pass through the slit over time. Thus, it is advantageous to heat the seal to form a solid cross-section (Py col 10, ll 33-39). Therefore, by modifying Matsumoto in view of Py, a liquid-tight seal is still maintained upon immediate withdrawal of medical device inserted through the seal due to the resiliency of the seal material, and the combination additionally has the advantage of preventing vapors, gases, and/or liquid passing through the seal over time due to the solid cross-section formed in the seal.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHERINE M. DOWE whose telephone number is (571)272-3201. The examiner can normally be reached on M-F 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571) 272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katherine Dowe
August 5, 2010

/K. M. D./
Examiner, Art Unit 3734